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CIA Defends Its Selective Censorship of Ex-Agents' Writings

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The CIA acknowledged at a secret House briefing last month that it has allowed the writings and speeches of a number of former CIA officials to go uncensored while pressing court action against others more critical of the agency.

CIA officials admitted that they are worried about the "impression" of unfairness arising from their review system, but maintained that some ex-officials can be trusted more readily than others.

The CIA's censorship practices have come under scrutiny as the result of a sweeping Supreme Court decision upholding the secrecy agreements that the CIA requires of its employees and also imposes on them after they leave the agency.

The briefing for the House Intelligence Committee was held in executive session March 6 at the CIA's request, but a "sanitized" transcript was finally prepared for public release at the urging of Rep. Les Aspin (D-Wis.).

Aspin said in an interview that the CIA "softened" one exchange in the testimony slightly, but that the transcript still shows that the agency appears to have "a very arbitrary and capricious system."

"It also gives the impression, if not the fact, of their going after the CIA's critics and leaving the 'old boy network' alone," Aspin said. "We have, in essence, an operation here that raises more questions than it answers."

The CIA's censorship rules are so broad that they could be construed to cover even casual remarks, according to a copy submitted to the House committee. They require employees and former employees to submit "all writings and scripts or outlines of oral presentations intended for non-official publication, including works of fiction," to the CIA's Publications Review Board if they make "any mention of intelligence data or activities."

"Publication," in turn, is defined as

"communicating information to one or more persons." As a civil-liberties lawyer put it, that could cover "even letters to your mother."

The chairman of the CIA's Publications Review Board, Herbert E. Hetu, acknowledged at the briefing that it is impossible to check on everything CIA alumni write or say.

"There are a lot of things that take place, you know, that we just can't keep track of," he told the committee. "People go on talk shows, make extemporaneous speeches, and all sorts of things."

But he maintained that the board, which was established in mid-1976, makes every effort to be evenhanded and even "to assist the author" in getting his work into print while making sure that no classified information is disclosed.

He said the review board has gone over 198 manuscripts in the past three years, most of them magazine articles, and disapproved only three—two by current CIA employees and one by a

former employee. Four other manuscripts were withdrawn.

CIA regulations specify that approval for publication "will not be denied solely because the subject matter may be embarrassing to or critical of the agency." Hetu has said that the CIA tries to be scrupulous about that and "lots" of the manuscripts approved have been quite critical.

He and the other CIA officials at the briefing acknowledged, however, that they do not review the newspaper columns written by Cord Meyer and Tom Braden, the novels of E. Howard Hunt, or the university-course lectures on CIA by E. Lyman Kirkpatrick, all former officials of the agency.

Thus far, the CIA has pressed court action against three CIA veterans accused of not submitting their work for pre-publication review. The government won the first case, involving a book called "Decent Interval" by Frank Snepp, with the Supreme Court ruling of Feb. 19. Snepp has been or-

dered to turn over the \$120,000 he earned from the book to the government, and he cannot publish two other manuscripts he has been working on without CIA clearance.

The other two cases, still in preliminary stages, involve breach-of-contract suits against John R. Stockwell, author of an expose of the CIA's operations in Angola in 1975-76, and Philip Agee, who helped write two books exposing the names of CIA agents in Europe and Africa.

CIA officials at the House briefing acknowledged a certain discomfiture over the fact that legal actions have been taken only against the CIA's critics.

"This is something that does indeed concern us," CIA lawyer Ernest Mayerfeld testified. "... What worries us most in this area is the impression we create by going after Snepp and not going after Cord Meyer."

He suggested, however, that the CIA ought to have "greater concern about people like Snepp who, after having repeatedly promised the director to submit his book for pre-publication review, went ahead and surreptitiously published. We have less concern that Mr. Meyer would deliberately reveal a secret or would deliberately do harm."

The government did not allege in the Snepp case that he had disclosed any classified information in his book. The Supreme Court held this was not necessary to holding him liable for not submitting his manuscript.

CIA officials insisted at the hearing, however, that there was some classified information in Snepp's book although they did not press that point in the courts. They maintained that "Decent Interval" could have been published with little revision if Snepp had submitted it for review.

"The criticisms would have remained intact," Hetu declared. "We would not have hurt the sense of the book at all."